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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 24.07.2025

+ W.P.(C) 10384/2020
SUBASH CHANDER

.....Petitioner

Through: Ms.Amita Singh Kalkal,
Mr.Sunil Bagai, Advs

versus

GOVT. OF NCT OF DELHI AND ORSRespondents

Through: Mrs.Avnish Ahlawat, SC,
Mr.Nitesh Kr. Singh, Ms.Aliza
Alam, Mr.Mohnish Sehrawat,
Advs. for GNCTD.
Mr.Farman Ali, SPC, Ms.Usha
Jammal, Adv. for UOI.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

1. This petition has been filed challenging the Order dated 14.11.2019 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as, 'Tribunal') in O.A. 194/2015, titled *Subhash Chander v. Govt. of NCT & Ors.*, dismissing the O.A. filed by the petitioner herein.

2. The petitioner further challenge the Order dated 20.02.2020 whereby the Review Application No. 29/2020 filed by the petitioner in the abovementioned O.A. was dismissed by the learned Tribunal on the ground of limitation as also on merits.



3. The petitioner had filed the above O.A., claiming therein that he is a sportsperson having excelled in the sport of Netball and has participated in and represented the State of Delhi in various State-Level and National-Level sports events and tournaments. He had applied for the post of Primary Teacher under the Post Code No.70/2009, pursuant to the Advertisement No.04/09 dated 29.01.2009, and had successfully cleared the written examination, securing 74.5 marks. The cut-off marks for the said examination for OBC candidates was 69.25. The candidature of the petitioner, however, was rejected by the respondents, stating that he was overage.
4. The petitioner challenged the said decision before the learned Tribunal, claiming that in terms of the said Advertisement, for meritorious sportspersons under the OBC category, there was an 8-year age relaxation, which was not extended to the petitioner.
5. The respondents, in their counter affidavit, however, submitted that in terms of the Office Memorandum dated 04.08.1980, a list of games/sports that entitle meritorious sportspersons for consideration for age relaxation has been given, in which the game of Netball does not find mention and, therefore, the petitioner was not entitled to the age relaxation under the Advertisement.
6. The petitioner then filed an application seeking amendment to the O.A., to specifically challenge the O.M. dated 04.08.1980 insofar as it restricted the benefit of age relaxation to the games/sports mentioned therein. The said application was allowed by the learned Tribunal and the DOP&T was impleaded as the respondent no.4 in the said O.A.



7. The learned counsel for the petitioner submits that in spite of the repeated opportunities granted, the respondent no.4 did not file any counter affidavit/reply before the learned Tribunal. She submits that the learned Tribunal, however, without considering this challenge to the OM dated 04.08.1980, by its Impugned Order dated 14.11.2019, dismissed the O.A. filed by the petitioner herein, holding that as the game of Netball is not mentioned as a recognized sport in the said O.M., therefore, the petitioner was not entitled to get any age relaxation. She submits that the Review Application filed by the petitioner was also rejected without appreciating the above contentions.

8. The learned counsel for the petitioner further submits that the O.M. dated 04.08.1980 is arbitrary as it gives no reason for excluding the game of Netball from the recognized sports list for the purpose of granting age relaxation. She submits that in the absence of a reply filed by the DOP&T before the learned Tribunal, this challenge should have succeeded before the learned Tribunal.

9. On the other hand, the learned counsel for the respondent nos.1 and 2 submits that having participated in the selection process, the petitioner cannot challenge the O.M. dated 04.08.1980. He submits that as Netball was not recognized as a sport for the purpose of granting age relaxation, the said request of the petitioner has rightly been rejected.

10. We have considered the submissions of the learned counsels for the parties.

11. It is trite law that having consciously participated in a



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recruitment process, a candidate cannot later turn around and challenge the conditions thereof. Reference in this regard can be made to *Anupal Singh v. State of U.P.*, (2020) 2 SCC 173. The O.M. dated 04.08.1980, which governed the field at the time of recruitment, did not mention Netball as a recognized sport for the purposes of granting age relaxation. The respondents and the learned Tribunal, therefore, rightly rejected such prayer of the petitioner.

12. In view of the above, we find no infirmity in the Impugned Order. The petition is, accordingly, dismissed.

NAVIN CHAWLA, J

MADHU JAIN, J

JULY 24, 2025/Arya/SJ